

## LAWYERS

C. BEN MARTIN  
JOHN S. CHAPMAN  
W. ANTHONY PARK  
F. MICHAEL BURKETT  
PATRICK D. COSTELLO  
RAYMOND D. SCHILD  
J. F. MARTIN (1893-1967)

**MARTIN  
CHAPMAN  
PARK &  
BURKETT**

STATEHOUSE CENTER BUILDING • (208) 343-6485 • P.O. BOX 2698 • 775 N. 8TH ST. • BOISE, IDAHO 83703

September 21, 1989

88-0576

USD

10/09/91  
Copy to Adams,  
Marshall by ink  
10/2/89 9-24-89  
pay to Kennedy,  
by ink 10/31/89

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SEP 28 1989  
U.S. ATTORNEY'S OFFICE

Mr. Warren Derbridge  
Assistant United States Attorney  
550 West Fort  
Boise, ID 83720

Re: U.S. v. Bingham #88-3011

Dear Warren:

This will confirm the offer I made to you by telephone on September 20, 1989. Our client, Warren Bingham, offers to settle the above referenced RCRA action upon the payment of the sum of \$20,000.00 if he is found to have been the owner of the ARRCOM site in Rathdrum, in a State Court declaratory judgment action in the nature of an inverse quiet title suit. If the outcome of that action is adverse to Mr. Bingham on the question of ownership (i.e., that he is determined to have been the owner) he will pay the agreed sum to the EPA in exchange for dismissal with prejudice of the RCRA action. On the other hand, if he succeeds in establishing his nonownership, then the EPA would agree to dismissal with prejudice of the RCRA action without payment of the \$20,000.00.

After you have had a chance to discuss this proposal with your client, please advise of their position. If they are agreeable, we will proceed to initiate the declaratory judgment action as soon as possible, and will cooperate with the Environmental Protection Agency in every reasonable way to expedite the resolution of this matter.

Very truly yours,

*Patrick D. Costello*  
Patrick D. Costello

PDC:mc

cc: Warren Bingham  
Raymond C. Givens

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OCT 6 1989

WASTE MANAGEMENT BRANCH

USEPA RCRA



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